

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM ELLIOTT ASHFORD,

Plaintiff,

Case No.: 20-cv-10561

v.

Hon. Terrence G. Berg
Mag. Judge Elizabeth A. Stafford

UNIVERSITY OF MICHIGAN,
UNIVERSITY OF MICHIGAN-DEARBORN,
GARY GORSKI, sued in his personal capacity,
JEFFREY EVANS, sued in his personal capacity,
DAVID HAWKINS, sued in his official capacity,
BRYAN DADEY, sued in his official capacity,
jointly and severally,

Defendants.

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**DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION TO REVIEW COSTS TAXED**

Plaintiff filed a Bill of Costs that did not comply with the straight-forward guidelines set forth in the United States District Court for Eastern District of Michigan's Bill of Cost Handbook. After the Clerk disallowed most of Plaintiff's costs, Plaintiff filed the instant motion, asking for a do-over. The Court should reject Plaintiff's request to recover the following costs:

A. Fees for Transcripts Necessarily Obtained for Use in Case.

Plaintiff seeks to recover costs on three separate invoices that are not recoverable:

1. Plaintiff submits an invoice dated 7/22/2021 that in the amount of \$1,561.05 that included "expedited" handling. (ECF No. 90-3, PageID.3512). Although the transcript references "Witness: Gary Gorski," this is not from his deposition. The deposition transcript charge from Chief Gorski's deposition appears on the preceding page (PageID.3511). Additionally, there is no evidence that this was "used in support of a motion," as required by Section II.C.1.d. of the Bill of Cost Handbook. The cost for this item should also be disallowed because the Bill of Cost Handbook specifically defines as "Not Taxable" the "Cost of daily or **expedited** copy produced solely for the convenience of counsel unless prior court approval is obtained." Bill of Cost Handbook, Section II.C.2.a (emphasis added). This cost should be disallowed in its entirety.

2. Plaintiff submits an invoice dated 5/18/2024 in the amount of \$611.50 that reflects a “daily” trial transcript that included “expedited” handling. There is no evidence that this transcript was used in support of a motion. Instead, it appears to be solely procured for the convenience of counsel, which is not taxable. And, as noted above, costs of “daily” or “expedited” transcripts are not taxable. Bill of Cost Handbook, Section II.C.2.a. This cost should be disallowed in its entirety.

3. Plaintiff submits an invoice dated 6/19/24 in the amount of \$1,380.00 that included “expedited” handling. Again, as noted above, costs of “daily” or “expedited” transcripts are not taxable. Bill of Cost Handbook, Section II.C.2.a. This cost should be disallowed in its entirety.

B. Fees for Witnesses.

4. Plaintiff submits copies of checks that were provided to witnesses, but there is no evidence that they were cashed or deposited, except for the check issued to James Knittel. (PageID.3537). Regardless, of the witnesses subpoenaed by Plaintiff, only Mr. Knittel testified under subpoena. The rest of the witnesses (Teresa Oesterle, Eddie Washington, Jr., Alana Dillard-Slaughter, and Robert Neumann) were all called by Defendants during their case-in-chief. Accordingly, the Court should reject Plaintiff’s request for reimbursement of the remaining witness fee checks in the amount of \$357.11, regardless of whether they cashed the check.

For the foregoing reasons, Defendants request that the Court reduce Plaintiff's requested costs by \$3,909.66.

Dated: September 11, 2024

Respectfully submitted,

/s/Brian M. Schwartz

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2024, I electronically filed the foregoing document with the Clerk of the Court using the electronic filing system, which will send notification of such filing to all counsel of record.

/s/Brian M. Schwartz